

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Confirmation No. 9696
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Jagannathan Shiva Shankar, et al.	:	Examiner: Phuoc H. Nguyen
	:	
Serial No.: 10/651,590	:	Group Art Unit No. 2143
	:	
Filed: August 29, 2003	:	
	:	
For: METHOD AND APPARATUS FOR	:	
MEASURING HEALTH AND	:	
PERFORMANCE OF A MESSAGING	:	
SYSTEM	:	

Mail Stop Issue Fee
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

PETITION TO WITHDRAW APPLICATION FROM ISSUE (37 C.F.R. § 1.313(c)(2))

Sir:

Applicant hereby respectfully petitions the Commissioner to withdraw the captioned application from issue.

The Office mailed a Notice of Allowance on January 23, 2008. Applicant filed an Information Disclosure Statement on April 1, 2008 and submitted the issue fee payment by mail on April 22, 2008. (Applicant could not submit the issue fee using EFS-Web, because USPTO systems apparently have marked the case as a Plant Patent case, and EFS-Web would only permit the applicant to select or pay a Plant Patent issue fee, which is incorrect.) A Request for Continued Examination (RCE) and RCE fee are concurrently submitted herewith.

The present petition is made to allow time for the Examiner to consider the RCE and the IDS of April 1, 2008. The Office may grant this petition under 37 C.F.R. 1.313(c)(2), which expressly authorizes withdrawal from issue to consider an RCE.

Based on the foregoing, it is respectfully submitted that applicant has shown good and sufficient reasons why it is necessary to withdraw the application from issue as requested.

The petition fee is submitted concurrently herewith. The Commissioner is hereby authorized to charge any applicable fee to our Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

Dated: April 23, 2008

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